

DOCKETED

FILED**OCT 19 1973****H. STUART CUNNINGHAM**
At o'clock
CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

C

ALLIED LEISURE INDUSTRIES, INC.,)

Plaintiff,)

v.)

MIDWAY MANUFACTURING CO.,)

Defendant.)

Civil Action No.

73C 2682

MOTION FOR TEMPORARY RESTRAINING ORDER

Plaintiff moves this Court to temporarily restrain Defendant from causing to be manufactured, sold, distributed, advertised or moved out of Defendant's possession, any printed circuit board for a four player ping pong or tennis game to be played on a cathode ray tube, said printed circuit board presently being designated "Winner IV", No. PC572-902, and any game containing said printed circuit board, pending a hearing on the issuance of a preliminary injunction sought in the above-identified lawsuit. The grounds in support of this Motion are as follows:

1. Unless restrained, Defendant will immediately cause said printed circuit boards and games containing said printed circuit boards to be manufactured, sold, distributed and/or advertised.

2. Immediate and irreparable injury, loss and damage will result

to Plaintiff by reason of Defendant's advertising, sale and/or distribution of said printed circuit board or of said four player ping pong or tennis game including said printed circuit board. The particulars as to the damages that will result from the actions by Defendant are set forth in the Affidavits of William E. Olliges and George H. Gerstman filed herewith.

3. Defendant's printed circuit board is substantially identical to Plaintiff's copyrighted printed circuit board and it is indisputable that Defendant obtained its printed circuit board by copying Plaintiff's copyrighted printed circuit board. The evidence with respect to Defendant's copying of Plaintiff's circuit board is conclusive, as Plaintiff's copyrighted board includes certain false lines which are also included on Defendant's infringing circuit board and were provided by Plaintiff in order to establish conclusive evidence of copying.

4. Unless Defendant is restrained immediately and pending the final decision on the merits of the above-entitled action, the injury to Plaintiff in the interim will be irreparable notwithstanding final judgment for Plaintiff.

Respectfully submitted,


Attorney for Plaintiff

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